

2005 Summary of State Legislation

*2005–2006 Regular Session
California State Legislature*

December 2005

STATE OF CALIFORNIA

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Governor

Alan C. Lloyd, Ph. D.
Secretary, California Environmental Protection Agency

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Every Californian can help to reduce energy and fuel consumption. For a list of simple ways you can reduce demand and cut your energy and fuel costs, **Flex Your Power** and visit www.fypower.com.

Table of Contents

Preface.....	ii
Abbreviations	iii
Legislation Summaries	1
California Environmental Protection Agency	1
Education/Schools	1
Electronic Waste.....	2
Energy	2
Fiscal (Budgets, Fees, and Revenues)/Administrative	4
Hazardous Waste	5
Illegal Dumping/Litter.....	7
Miscellaneous.....	9
Organics.....	10
Plastic	10
Reuse/Recycled Materials/Market Development	10
Solid Waste Facilities	12
State Agencies, General.....	13
State Agencies, Procurement/Waste Management.....	14
Sustainability	14
Tires.....	15
Governor’s Messages	17
Signing Messages	17
Veto Messages.....	17
Index.....	19
Assembly Bills	19
Senate Bills.....	20

Preface

This legislative summary identifies solid waste management legislation introduced at the State level during the first year of the 2005–2006 Legislative Session. State bills from the California Legislature’s Regular Session can be located under subject categories (see table of contents) or by bill number, using the index at the end of the summary.

The summary includes State bills that were enacted, as well as those that were vetoed, failed passage in the Legislature, or were held in committee. If the Governor prepared signing or veto messages, they are included in the “Governor’s Messages” section. Urgency measures, which become effective immediately upon chaptering by the Secretary of State, are marked with an asterisk (*). The effective date for urgency measures is noted at the end of the entry. All other enacted legislation takes effect on January 1 following the year the legislation was chaptered into law. (For example, bills chaptered in 2005 take effect on January 1, 2006.)

Information regarding legislation, both State and federal, is widely available on the Internet. The following sites provide up-to-date information, including status, history, and other valuable information on legislation and the legislative process.

- Official California legislative information is provided by the Legislative Counsel. You may subscribe to bills from this site to keep informed of amendments: www.leginfo.ca.gov/.
- Official Internet site of the California State Assembly: www.assembly.ca.gov/.
- Official Internet site of the California State Senate: www.senate.ca.gov/.
- Federal legislation information sponsored by the Library of Congress: <http://thomas.loc.gov/>.

Abbreviations

AB: Assembly Bill (State)

ARB: Air Resources Board

BTHA: Business, Transportation, and Housing Agency

Cal/EPA: California Environmental Protection Agency

CDFA: California Department of Food and Agriculture

CIWMB: California Integrated Waste Management Board

DHS: Department of Health Services

DOC: Department of Conservation

DPR: Department of Pesticide Regulation

DTSC: Department of Toxic Substances Control

IWMA: Integrated Waste Management Act

OEHHA: Office of Environmental Health Hazard Assessment

RPPC: Rigid Plastic Packaging Container

SAB: State Allocation Board

SB: Senate Bill (State)

SDE: State Department of Education

SWRCB: State Water Resources Control Board

Legislation Summaries

California Environmental Protection Agency

AB 895 (Walters)

Environment: California Environmental Protection Agency

Sponsor: Author

Status: Assembly Committee on Rules

This bill would declare the intent of the Legislature to enact legislation that would consolidate, into a unified program under the authority of the Cal/EPA, the emergency response program of the DTSC, the business plan and accident release program of the Office of Emergency Services, the Marine Facilities Division of the State Lands Commission, and the oil spill unit of the California Coastal Commission.

AB 1340 (Committee on Environmental Safety and Toxic Materials)

California Environmental Protection Agency

Sponsor: Author

Status: Senate Committee on Environmental Quality

This bill would provide code cleanup by removing a reference to an obsolete provision regarding the deputy secretaries for environmental protection in the Government Code.

SB 838 (Escutia)

Environmental Cleanup and Pollution Control Technology Registry

Sponsor: Author

Status: Senate Committee on Appropriations

This bill would require Cal/EPA to establish an environmental cleanup and pollution control technology registry in order to create an information database of businesses and government agencies that have expertise in environmental cleanup processes and pollution control technologies.

Education/Schools

AB 315 (Hancock)

School Facilities: Energy Efficiency: Design Standards

Sponsor: Natural Resource Defense Council, Global Green, American Lung Association

Status: Senate Floor

This bill would require the SAB to adopt regulations by July 1, 2006, under the direction of the Governor's Executive Order S-20-04, to ensure that design standards for school facilities constructed in whole or in part with State funds would meet, at a minimum, the design and construction criteria in the Best Practices Manual produced by the Collaborative for High Performance Schools.

AB 334 (Chan)**Instructional School Garden Program****Sponsor: Author****Status: Assembly Committee on Appropriations**

This bill would require the SDE, in consultation with the CDFA, to allocate State and federal funds for Instructional School Garden Program grants.

AB 1721 (Pavley)**Environmental Education****Sponsor: Cal/EPA/CIWMB****Status: Chapter 581, Statutes of 2005**

This bill provides cleanup legislation for AB 1548 (Pavley), Chapter 665, Statutes of 2003, the Education and the Environment Initiative, which incorporated environmental principles into approved education standards.

Electronic Waste**AB 575* (Wolk)****Electronic Waste Recycling****Sponsor: Equipment Leasing Association****Status: Chapter 59, Statutes of 2005**

This bill defines the term “vendor” for purposes of the Electronic Waste Recycling Act. The bill also allows a retailer to pay the covered electronic waste recycling fee on behalf of the consumer by paying the fee to the retailer’s vendor. This bill is an urgency measure that went into effect on July 18, 2005.

Energy**AB 177 (Bogh)****Solid Waste: Biomass Conversion: Transformation****Sponsor: Author****Status: Assembly Committee on Natural Resources**

This bill would change the definitions of “biomass conversion” and “transformation” and add a definition of “biomass waste.” It would delete the 10 percent limit on diversion credit for biomass conversion if certain conditions are met, and allow use of both transformation and biomass conversion to meet the IWMA diversion requirements.

AB 727 (Bermúdez)**Solid Waste: Integrated Waste Management****Sponsor: Republic Services****Status: Assembly Committee on Natural Resources**

This bill would include in the waste management hierarchy the recovery of waste through conversion technology, or other beneficial use technologies, and reorder the list of priorities, putting promotion of this practice ahead of transformation and disposal.

AB 1090 (Matthews)**Solid Waste: Diversion: Conversion****Sponsor: BioEnergy Producers Association****Status: Assembly Committee on Natural Resources**

The bill would repeal the definition of the term “gasification” from law and would define the terms “conversion technology,” “beneficial use,” and “recovery.” The bill would also revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting and would specify that transformation does not include conversion technology. This bill would allow local governments to include solid waste that is subject to recovery through conversion technology in determining the amount of solid waste diverted from landfills for purposes of achieving the State’s diversion requirements.

SB 107 (Simitian)**Renewable Energy****Sponsor: Author****Status: Senate Floor**

This bill would primarily accelerate from 2017 to 2010 California’s renewable energy procurement goal of 20 percent for publicly owned utilities and other retailer sellers of electricity. In addition, the bill also makes a number of other conforming programmatic changes. In large part, it is a reintroduction of SB 1478 (Sher) of 2004.

SB 975 (Ashburn)**Air Quality: Biodiesel Fuel****Sponsor: U.S. Department of Defense****Status: Chapter 365, Statutes of 2005**

This bill provides that any public agency or regulated utility may use a biodiesel blend fuel, as defined, in any retrofitted vehicular or off-road diesel engine certified by ARB. The bill also provides that entities that contract with any public agency or regulated utility may use a biodiesel blend fuel, as defined, in a solid waste collection vehicle or collection vehicle. This bill would repeal its provisions on January 1, 2008.

Fiscal (Budgets, Fees, and Revenues)/Administrative

AB 156* (Committee on Budget)

Budget Act of 2004: Contingencies and Emergencies

Sponsor: State Department of Finance

Status: Chapter 7, Statutes of 2005

This bill appropriates \$31.5 million for four separate 2004–05 budget deficiencies related to (1) energy efficiency projects in State facilities, (2) postclosure activities for a hazardous waste landfill, (3) workers' compensation claims for disaster workers, and (4) capitol security projects. This bill is an urgency measure that went into effect on March 23, 2005. This bill also appropriates \$5,119,250 to DTSC for the closure and post-closure maintenance of the BKK Landfill.

AB 271 (Blakeslee)

State Employees: Scientists

Sponsor: California Association of Professional Scientists

Status: Senate Committee on Public Employment and Retirement

This bill would provide that a person appointed to any State scientist class on or after January 1, 2006, shall, at a minimum, have a baccalaureate degree in a scientific discipline from an accredited university.

AB 274 (Baca)

State Employees: Paid Leave: Education

Sponsor: California Association of Professional Scientists

Status: Assembly Committee on Appropriations

This bill would authorize employees of State bargaining unit 10 (California Association of Professional Scientists) and employees in classifications corresponding to those in State bargaining unit 10, but excluded from collective bargaining under the Ralph C. Dills Act, to be granted up to three days of paid leave per fiscal year to attend professional development courses.

AB 284 (Bermúdez)

State Employees: Salary Ranges: Professional Scientists

Sponsor: California Association of Professional Scientists

Status: Senate Committee on Appropriations

This bill would require the Department of Personnel Administration and the California Association of Professional Scientists to jointly survey scientific classifications in the public and private sectors. The bill would provide that implementation of any new pay scales based on the surveys for scientists in State bargaining unit 10 would be subject to collective bargaining.

SB 77 (Committee on Budget and Fiscal Review)

2005–06 Budget

Sponsor: Author

Status: Chapter 38, Statutes of 2005

This bill is the Budget Act of 2005 and makes appropriations for the support of State government for the 2005–06 fiscal year.

Hazardous Waste

AB 263 (Chan)

Toxic Substances

Sponsor: Breast Cancer Fund

Status: Senate Committee on Environmental Quality

This bill would set the penalty for violating the ban on the manufacturing and sale of certain fire retardant materials containing more than 1/10 of 1 percent pentaBDE or octaBDE in California at \$10,000 per day.

AB 567 (Aghazarian)

Hazardous Waste: Alternative Standards

Sponsor: DTSC

Status: Assembly Committee on Environmental Safety and Toxic Materials

This bill would authorize the DTSC to adopt regulations that establish hazardous waste management standards as an alternative to one or more of the standards specified in the hazardous waste control law. The bill would permit the regulations to exempt a hazardous waste management activity that only involves hazardous wastes meeting specified criteria. The bill would require the DTSC, before adopting an alternative management regulation, to make findings, prepare an analysis to support those findings, make the analysis available to the public, and notify the public.

AB 721 (Nuñez)

Metal Plating Facilities: Pollution Prevention Fund

Sponsor: Metal Finishing Association of Southern California

Status: Chapter 695, Statutes of 2005

This bill requires the BTHA, in collaboration with other State entities, to establish a loan guarantee program for chrome plating facilities. This bill would also require the DTSC to establish the Model Shop Program in Northern California.

AB 1125 (Pavley)**Rechargeable Battery Recycling Act****Sponsor: Californians Against Waste****Status: Chapter 572, Statutes of 2005**

This bill enacts the Rechargeable Battery Recycling Act of 2006. It requires on and after July 1, 2006, that a retailer of rechargeable batteries sold in California have a system in place for accepting and collecting used rechargeable batteries for reuse, recycling, or proper disposal. The system must have specified elements, including the take-back at no cost to the consumer of a used rechargeable battery of a type or brand sold by the retailer. The bill prohibits the sale of a rechargeable battery to a consumer after July 1, 2006, if the retailer is not in compliance with the Act. The bill requires DTSC to annually post on its website the estimated amount, by weight, of each type of household battery returned for recycling in California during the previous calendar year.

AB 1240 (Levine)**Mercury****Sponsor: Californians Against Waste****Status: Assembly Floor**

This bill would enact the Mercury Switch Removal Act of 2005. Specifically, it would require vehicle manufacturers to develop mercury switch removal plans and submit them to the DTSC. It would also establish a penalty for failure to submit a plan, establish requirements for disposal of mercury switches at a vehicle's end of life, and provide partial reimbursement for each switch properly removed and disposed. The bill would also establish administrative, civil, and criminal penalties for violations of the Act and would require DTSC to submit an annual report on the implementation of the program to the Legislature.

AB 1415 (Pavley)**Hazardous Waste: Mercury Relays and Switches****Sponsor: Sierra Club California****Status: Chapter 578, Statutes of 2005**

This bill bans the sale and distribution in California of all products with mercury-containing switches, relays, measuring devices, and gastrointestinal tubes. This bill also provides exemptions for mercury-added products required under a federal law or federal contract or if the only mercury-added component is a button cell battery.

SB 423 (Simitian)**Hazardous Waste: Mercury Relays and Switches: Exemption****Sponsor: CIWMB (as introduced)****Status: Senate Committee on Environmental Quality**

This bill's original intent was to enact clean-up changes in the Electronic Waste Recycling Act; however, it was amended on July 5, 2005, to address an unrelated issue.

Illegal Dumping/Litter

AB 17 (Koretz)

Litter: Receptacles

Sponsor: Author

Status: Senate Committee on Environmental Quality

This bill would repeal Title 7.9 (commencing with section 68055) of the Government Code, relating to litter receptacles, and reenact these provisions in Part 3 of Division 30 of the Public Resources Code.

AB 528 (Frommer)

Civil Actions: Public Health and Environmental Enforcement of Law of 2005

Sponsor: California League of Conservation Voters; California League for Environmental Enforcement Now; National Resources Defense Council; Planning and Conservation League; Sierra Club California

Status: Assembly Floor

This bill would authorize any person with a beneficial interest in the outcome to commence a civil action against any person to enforce specified public health and environmental laws, including regulations, permits, and orders issued pursuant to those laws. The bill would create the Public Health and Environmental Enforcement Fund, into which civil penalties awarded for these actions would be deposited for allocation to the State or local governmental entity with the principal authority for enforcement.

AB 1017 (Cogdill)

Hazardous and Solid Waste: Illegal Disposal of Methamphetamines

Sponsor: Author

Status: Assembly Committee on Environmental Safety and Toxic Materials

This bill would establish an Illegal Dumping Prevention Program within the CIWMB, in addition to various other solid waste disposal and clean-up programs, for the purpose of developing alternatives to dumping, funding targeted illegal dumping enforcement and related judicial processes, conducting public outreach and education, providing training, and coordinating the program with other existing clean-up programs. The bill would require that the program be funded with grant funds and would authorize the CIWMB to hire staff to administer the program.

AB 1065 (Matthews)

Kitchen Grease: Transporters

Sponsor: Pacific Renderers Association

Status: Chapter 533, Statutes of 2005

This bill authorizes the CDFA to establish a system for documenting and tracking the transportation of inedible kitchen grease in order to ensure the proper disposal or recycling of that material. This bill would require licensed renderers to be registered as transporters with the CDFA and would authorize the CDFA to suspend or revoke registration for violations. This bill would expand the oversight of grease hauling to include protecting the environment, reducing

blockages of public sewer systems, and preventing the improper and illegal transportation and disposal of interceptor grease.

AB 1333 (Frommer)

Grease Waste Haulers

Sponsor: California District Attorney's Association

Status: Senate Floor

This bill would make it unlawful for any grease waste hauler to incompletely remove grease from a grease trap or grease interceptor and would establish civil enforcement provisions that could be imposed against a grease hauling company for a violation. This bill would also specify that it is unlawful for any grease waste hauler to reinsert, dump, place, release, or discharge the grease into any place not expressly authorized to accept the waste. The bill would prohibit the use of a vehicle that hauls grease waste for hauling any other material, including used cooking oil. This bill would provide that a violation would be a misdemeanor with a penalty of imprisonment in the county jail for not more than six months and a fine of up to \$10,000 plus penalty assessments. A second or subsequent violation would be punishable by not more than one year in the county jail and a fine of not more than \$25,000.

AB 1389 (Oropeza)

Littering: Cigarette Butts

Sponsor: Author

Status: Assembly Committee on Public Safety

This bill would increase existing fines for littering for the illegal disposal of cigarette butts and matches.

AB 1612 (Pavley)

Cigarettes: Litter

Sponsor: Californians Against Waste; American Lung Association

Status: Assembly Committee on Appropriations

This bill would impose a 10-cent excise fee on every pack of cigarettes distributed for sale in California and would allocate revenue generated to various programs and activities at the DOC and the DHS related to cigarette pollution and litter prevention and cleanup.

AB 1688 (Niello)

Illegal Dumping Enforcement Officers

Sponsor: Author

Status: Assembly Committee on Rules

This bill would permit employees of a city, county, or city and county whose primary duty is the enforcement of illegal dumping laws, to exercise powers of arrest and the power to serve warrants by adding them to the list of individuals in Penal Code section 830.11.

SB 942 (Chesbro)**Cigarettes: Pollution: Litter****Sponsor: American Lung Association; Californians Against Waste****Status: Senate Committee on Appropriations**

This bill would enact the Cigarette Pollution and Litter Prevention Act of 2005, which would impose a fee of no more than five mills per cigarette on cigarette manufacturers for various programs and activities related to cigarette pollution and litter prevention and cleanup.

Miscellaneous**AB 1049 (Koretz)****Recycling: Food and Beverage Packages: Labeling****Sponsor: Author****Status: Assembly Committee on Appropriations**

This bill would require the CIWMB to develop a voluntary California curbside label for packages or items that are specified by the bill or that are accepted in a “substantial majority” of California curbside recycling programs. The CIWMB would be permitted to deny the use of the California curbside label on packaging or items that are commonly contaminated to a degree that prevents recycling. The CIWMB would be authorized to collect a fee for the use of the California curbside label to administer the program.

AB 1637 (Mountjoy)**Vehicles: Refuse or Garbage Truck: Horn: Camera****Sponsor: Author****Status: Chapter 166, Statutes of 2005**

This bill requires all garbage trucks, except rolloff vehicles, to be equipped with an audible, automatic, backup alarm or a similar device that is capable of emitting a specific sound. All garbage trucks purchased after January 1, 2010, will also be required to be equipped with a functioning camera that provides the driver with a video display of the rear of the vehicle.

SB 369 (Simitian)**Ecological Labeling****Sponsor: Author****Status: Senate Committee on Appropriations**

This bill would require Cal/EPA to enter into a contract with a vendor to award the Green Bear Eco-Label to a product or service that meets criteria developed and adopted by the vendor. The bill would authorize the vendor to charge a fee to a producer or distributor who applies for a label. The bill would authorize the vendor to expend the fee revenues, upon appropriation by the Legislature, to implement the contract.

SB 1058 (Campbell)

Recycling Residue

Sponsor: Author

Status: Senate Committee on Environmental Quality

This is a spot bill that would delete an obsolete reporting requirement in Public Resources Code section 42171.

Organics

SB 926 (Florez)

Sewage Sludge Management

Sponsor: Author

Status: Assembly Committee on Local Government

This bill would specify that the Porter-Cologne Water Quality Control Act does not prohibit the Kern County Board of Supervisors from adopting an ordinance, in a nondiscriminatory manner, which would regulate or prohibit the land application of sewage sludge. The bill would specify that such a prohibition would not apply to existing permits or to the renewal of preexisting permits. This bill would also specify that it does not supersede a more stringent State or federal law and shall not be construed as affecting the ruling in the following court case: County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern (2005) 127 Cal. App. 4th 1544.

Plastic

SB 743 (Chesbro)

Solid Waste Rigid Plastic Packaging Containers: Recycling Rates: Households

Sponsor: Californians Against Waste

Status: Chapter 666, Statutes of 2005

Within the RPPC program, this bill revises the definition of “recycling rate” to additionally include the proportion of a single resin type of an RPPC that is recycled in a single given calendar year. In addition, this bill modifies the criteria for RPPCs to include a recycling rate of 45 percent for a single resin type, as demonstrated to the CIWMB. This bill also establishes an additional compliance option under the RPPC law for manufacturers that utilize an amount of California-generated recycled plastic in any RPPC and specifies that a product manufacturer cannot be fined under the RPPC law as a result of false claims made by a container manufacturer.

Reuse/Recycled Materials/Market Development

AB 574 (Wolk)

Recycled Concrete

Sponsor: Southern California Rock Products Association of Southern California Ready Mixed Concrete Association

Status: Chapter 693, Statutes of 2005

This bill defines “recycled concrete” as “reclaimed concrete material used in concrete mixtures in accordance with the *Greenbook Standard Specifications for Public Works* 2003 Edition, or the most current revision of those requirements.” This bill authorizes the use of recycled concrete, as defined, if the end user has been fully informed that the concrete is recycled concrete. In addition, this bill prohibits recycled concrete from being offered, provided, or sold to the Department of Transportation (Caltrans) for any use unless specifically requested and approved by the department. The provisions of the bill shall not supersede the requirements of the Uniform Building Code or other provisions of law.

AB 1001 (Nuñez)

Vehicles: Dealer’s Licenses: Document Charges

Sponsor: California Motor Car Dealers Association

Status: Vetoes

This bill was originally carried by Assembly Member Nava to address the use of recycled aggregate in State highway construction or repair projects. However, the bill was amended on June 27, 2005, to address an unrelated issue.

AB 1103 (Karnette)

Bicycle Sales: Notice

Sponsor: Author

Status: Assembly Committee on Natural Resources

This bill would require a bicycle retailer and bicycle dealer who sells, furnishes, or gives a bicycle to any person to provide notice that a bicycle may be recycled and that State law permits a tax deduction for qualified charitable contributions of bicycles.

AB 1193 (Hancock)

Recycling: Compact Discs and Digital Versatile Discs

Sponsor: Author

Status: Assembly Committee on Environmental Safety and Toxic Materials

This bill would prohibit the distribution or mass mailing of compact discs (CD) or digital versatile discs (DVD) for commercial purposes to households that are assessed a solid waste fee without the consent of a person in the household, unless the recipient is provided a postage-paid return mailing envelope or similar return mechanism that would allow the recipient to return the disc to the sender.

SB 420 (Simitian)

Waste Management: Diversion

Sponsor: Author

Status: Senate Committee on Environmental Quality

This bill would increase the State’s diversion rate requirement from 50 percent to 75 percent as of January 1, 2015.

SB 928 (Perata)**Public Resources: Solid Waste****Sponsor: Author****Status: Assembly Committee on Natural Resources**

SB 928 is currently a spot bill. This bill would establish a new, unspecified statewide solid waste diversion rate for local jurisdictions in California beginning January 1, 2011. The current diversion rate requirement is 50 percent.

Solid Waste Facilities**AB 259 (Hancock)****Solid Waste: Handling Services: Delinquent Charges: Liens****Sponsor: Contra Costa County****Status: Chapter 564, Statutes of 2005**

This bill increases a county's capacity to attach liens to real property with delinquent payments for solid waste handling services provided under a franchise, contract, license, permit, or otherwise. It also exempts from the definition of a "public utility" solid waste handling services arranged for or provided by a county.

AB 1272 (Harman)**State Lands Commission****Sponsor: Author****Status: Chapter 701, Statutes of 2005**

This bill grants the State Lands Commission the authority to sell the state's mineral rights in 466.66 acres of the former Eagle Mountain Mine for fair market value. This area is currently permitted as a solid waste landfill; however, the landfill is not yet operational.

SB 318 (Romero)**Waste Management****Sponsor: Author****Status: Senate Committee on Appropriations**

This bill would create the Office of the Solid Waste Public Advisor within the CIWMB to provide objective information to the public regarding solid waste facilities. The bill would require the CIWMB to use existing resources to provide personnel and resources for the office.

SB 411 (Alarcón)**Solid Waste: Nonbiodegradable Materials: Landfills****Sponsor: Author****Status: Senate Committee on Environmental Quality**

This bill would eliminate diversion credit for green material and woody waste used as alternative daily cover. The CIWMB would be required to develop a schedule for excluding green material and woody waste used as ADC from being included in meeting the State's diversion requirements. The CIWMB would be required to adopt or revise regulations regarding the conditions for use of the alternative daily cover and to consider conditions regarding the biomass conversion industry.

SB 1076 (Perata)**Solid Waste****Sponsor: Author****Status: Senate Committee on Rules**

This is a spot bill that would make a technical change to the provision of the IWMA relating to solid waste handling services.

State Agencies, General**AB 38 (Tran)****State Boards and Commissions: Salaries: Suspension****Sponsor: California Club for Growth****Status: Assembly Committee on Businesses and Professions**

This bill would specify that members appointed to specified State boards and commissions, including the CIWMB, shall receive no salary for the 2006–07, 2007–8 and 2008–9 fiscal years, except that they may receive a per diem payment set pursuant to the bill's provisions during that time.

AB 219 (Nakanishi)**State Agencies: Publications****Sponsor: None****Status: Senate Committee on Appropriations**

This bill would require all State departments, commissions, or other agencies to submit an electronic copy of each publication issued to the State Library, and would require the State Library to create and maintain a website of the publications for public access.

AB 1561 (Umberg)**State Boards and Commissions: Removal and Penalties****Sponsor: Author****Status: Assembly Committee on Rules**

This bill would declare the intent of the Legislature to implement procedures that provide for the imposition of penalties, removal from office, or both, for appointed members of State boards and commissions who do not adequately perform their duties, including the regular attendance of meetings.

State Agencies, Procurement/Waste Management**SB 1106 (Committee on Environmental Quality)****Public Contracts: Procurement: Recycled Goods: Solid Waste****Sponsor: Author****Status: Chapter 590, Statutes of 2005**

This bill is a clean-up measure that consolidates, updates, and clarifies existing recycling laws, eliminates duplicative provisions, and establishes or restates recycling goals and reporting requirements for State and local agencies.

SB 828 (Maldonado)**Public Contracts****Sponsor: Department of General Services****Status: Chapter 381, Statutes of 2005**

This bill exempts all State credit card (CAL-Card) purchases of under \$2,500 from the majority of California's purchasing certification requirements, including environmental purchasing requirements, anti-sweatshop requirements, and encouraging the purchase of U.S.-manufactured products. This bill sets an annual cap on the exemption of \$7,500. Currently, State agencies are statutorily required to acquire certification from vendors that the products comply with the State's purchasing laws.

Sustainability**AB 399 (Montañez)****Recycling****Sponsor: Author****Status: Vetoed**

This bill would have established requirements for recycling programs at multifamily dwellings in the state. This bill would have required the CIWMB, the solid waste and recycling industry, local governments, and property owners and managers to take specified actions to encourage recycling at multifamily properties.

AB 701 (Nava)**State Buildings: Energy and Design Criteria****Sponsor: Author****Status: Assembly Committee on Businesses and Professions**

This bill would require that all State buildings on which construction or renovation is begun on or after January 1, 2006, attain a Leadership in Energy and Environmental Design (LEED) Platinum rating no later than January 1, 2015.

SB 563 (Alarcón)**California Certified Green Business Program****Sponsor: Author****Status: Senate Committee on Rules**

This bill would declare the intent of the Legislature to enact legislation to establish a California-certified green business program that would encourage businesses to protect the environment, conserve natural resources, and reduce pollution.

Tires**AB 338 (Levine)****Recycling: Crumb Rubber****Sponsor: Author****Status: Chapter 709, Statutes of 2005**

This bill requires Caltrans to use elevated levels of crumb rubber in lieu of other materials for State highway construction or repair projects that use asphalt as a construction material, based on an annual cost differential analysis between asphalt containing crumb rubber and conventional asphalt. The crumb rubber used must be manufactured in the U.S. and derived from waste tires taken from vehicles owned and operated in the U.S.

AB 1249 (Blakeslee)**Waste Tire Facility Permit****Sponsor: Department of Forestry and Fire Prevention****Status: Chapter 404, Statutes of 2005**

This bill grants the State Fire Marshall the authority, in consultation with the CIWMB, to develop and adopt regulations relating to fire prevention and storage of waste tires at major waste tire facilities.

SB 455 (Escutia)**Pest Control: Violations****Sponsor: California Rural Legal Assistance Foundation; United Farm Workers****Status: Vetoed**

As introduced, this bill would have clarified that monies from the California Tire Recycling Management Fund shall be used for development and enforcement of regulations relating to waste and used tire hauling. It also would have repealed statutory language that requires submittal of manifest forms to the CIWMB on a quarterly basis, thereby allowing the CIWMB to establish time frames. However, the bill was amended on September 2, 2005, to address an unrelated issue.

SB 772 (Ducheny)**Environment: Border Region: Waste and Used Tires****Sponsor: Author****Status: Chapter 214, Statutes of 2005**

This bill requires the CIWMB to include border region activities conducted in coordination with Cal/EPA as a program element of its five-year plan for tires. Such activities would include training programs, environmental education, waste tire abatement, tracking tire flow across the border, and coordination with regard to environmental and control requirements.

Governor's Messages

Signing Messages

AB 338 (Levine)

To the Members of the California Legislature:

I am signing Assembly Bill 338 that would require the California Department of Transportation (Caltrans) to use asphalt containing crumb rubber in lieu of other materials in specified prescribed amounts on highway construction. My Administration is very supportive of finding a market for used tires; rubberized asphalt concrete (RAC) is just one promising product.

Increasing the use of recycled tires in road construction is another way that the environment and economy can prosper together. Waste tires pile up in landfills and can cause water pollution and toxic fires. Using recycled tires in road-building materials creates a market preventing the need for them to be stockpiled. RAC is a cost-effective durable product that also reduces noise pollution for Californians who live near highways. By expanding the statewide market for these recycled resources, we generate jobs and put our waste to work.

Sincerely,

Arnold Schwarzenegger

Veto Messages

AB 399 (Montañez)

To Members of the California State Assembly:

I am returning Assembly Bill 399 without my signature.

While the goals of this bill are laudable, the mandates in this measure are overly prescriptive and create significant state, local and private compliance costs. Additionally, this bill is inconsistent with the Integrated Waste Management Act, which expressly grants local governments discretion over what types of programs are used to achieve the state's diversion goals.

While I cannot sign this bill, I encourage the Integrated Waste Management Board to provide adequate tools and resources to local jurisdictions to implement multifamily recycling programs.

Sincerely,

Arnold Schwarzenegger

AB 1001 (Nuñez)

To Members of the California State Assembly:

I am returning Assembly Bill 1001 without my signature.

This bill would increase the maximum document fee paid by car buyers from \$45 to \$55. Such fees are not usually discussed with the car buyer until the purchase price has been agreed upon and a disclosure is made on the conditional sales contract.

I recently signed the Car Buyer Bill of Rights and AB 1001 runs contrary to that bill's worthy goal to improve consumer protection. I do not believe that California consumers should be saddled with another hidden fee and therefore cannot support this measure.

Sincerely,

Arnold Schwarzenegger

SB 455 (Escutia)

To Members of the California Senate:

I am returning Senate Bill 455 without my signature.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and the environment. Last year I signed Senate Bill 391 which helped ensure victims and farm workers impacted by pesticide drift are properly cared for and it expanded penalties and liability.

Early in my Administration, I directed the California Environmental Protection Agency to develop an environmental action plan where one of the top priorities is strong enforcement of environmental protection laws. After finding inconsistent enforcement of some of its laws by local Commissioners, the Department of Pesticide Regulation worked with stakeholders and enforcement officers to develop and adopt as guidelines their 2005 Enforcement Response Policy (ERP).

Senate Bill 455 justly recognizes the need for a consistent and timely strategy for enforcement of pesticide laws. While I concur with the intended goals of this proposal, the recently adopted ERP makes this bill largely unnecessary. By requiring minimum mandatory penalties for exposure rather than harm, which was agreed to in Senate Bill 391, this bill drastically expands liability and restricts enforcement officer discretion. This expansion will create litigation over its interpretation and uncertainty over its scope that could adversely impact the farm workers, the regulated community, our enforcement officers, and the Department.

The ERP will greatly strengthen enforcement and provide statewide consistency of our pesticide laws. Therefore, I direct the Department of Pesticide Regulation to initiate the process of putting the 2005 Enforcement Response Policy into regulation in an expedited process.

Sincerely,

Arnold Schwarzenegger

Index

Assembly Bills

AB 17 (Koretz) Litter – Receptacles.....	7
AB 38 (Tran) State Boards and Commissions – Salaries – Suspension.....	13
AB 156* (Committee on Budget) Budget Act of 2004 – Contingencies and Emergencies.....	4
AB 177 (Bogh) Solid Waste – Biomass Conversion – Transformation.....	2
AB 219 (Nakanishi) State Agencies – Publications	13
AB 259 (Hancock) Solid Waste – Handling Services – Delinquent Charges – Liens.....	12
AB 263 (Chan) Toxic Substances.....	5
AB 271 (Blakeslee) State Employees – Scientists	4
AB 274 (Blakeslee) State Employees – Paid Leave – Education.....	4
AB 284 (Bermúdez) State Employees – Salary Ranges – Professional Scientists	4
AB 315 (Hancock) Energy Efficiency – Design Standards – School Facilities	1
AB 334 (Chan) Instructional School Garden Program.....	2
AB 338 (Levine) Recycling – Crumb Rubber.....	15, 17
AB 399 (Montañez) Recycling – Multifamily Dwellings.....	14, 17
AB 528 (Frommer) Civil Actions – Public Health and Environmental Enforcement of Law of 2005.....	7
AB 567 (Aghazarian) Hazardous Waste – Alternative Standards	5
AB 574 (Wolk) Recycled Concrete	10
AB 575* (Wolk) Electronic Waste Recycling.....	2
AB 701 (Nava) State Buildings – Energy and Design Criteria	15
AB 721 (Nuñez) Metal Plating Facilities – Pollution Prevention Fund	5
AB 727 (Bermúdez) Solid Waste – Integrated Waste Management	3
AB 895 (Walters) Environment – California Environmental Protection Agency.....	1
AB 1001 (Nuñez) Vehicles – Dealer’s Licenses – Document Charges	11, 18
AB 1017 (Cogdill) Hazardous and Solid Waste – Illegal Disposal of Methamphetamine.....	7
AB 1049 (Koretz) Recycling – Food and Beverage Packages – Labeling	9
AB 1065 (Committee on Agriculture) Kitchen Grease – Transporters.....	7
AB 1090 (Matthews) Solid Waste – Diversion – Conversion.....	3
AB 1103 (Karnette) Bicycle Recycling	11
AB 1125 (Pavley) Rechargeable Battery Recycling Act	6
AB 1193 (Hancock) Recycling – Compact Discs and Digital Versatile Discs.....	11
AB 1240 (Levine) Mercury	6
AB 1249 (Blakeslee) Waste Tire Facility Permit	15

AB 1272 (Harman) State Lands Commission	12
AB 1333 (Frommer) Grease Waste Haulers.....	8
AB 1340 (Committee on Environmental Safety and Toxic Materials) California Environmental Protection Agency.....	1
AB 1389 (Oropeza) Littering – Cigarette Butts	8
AB 1415 (Pavley) Hazardous Waste – Mercury Relays and Switches.....	6
AB 1561 (Umberg) State Boards and Commissions – Removal and Penalties	14
AB 1612 (Pavley) Cigarettes – Litter.....	8
AB 1637 (Mountjoy) Vehicles – Refuse or Garbage Truck – Horn – Camera	9
AB 1688 (Niello) Illegal Dumping Enforcement Officers	8
AB 1721 (Pavley) Environmental Education	2

Senate Bills

SB 77 (Committee on Budget and Fiscal Review) 2005–06 Budget	5
SB 107 (Simitian) Renewable Energy.....	3
SB 318 (Romero) Waste Management.....	12
SB 369 (Simitian) Ecological Labeling	9
SB 411 (Alarcón) Solid Waste – Nonbiodegradable Materials – Landfills.....	13
SB 420 (Simitian) Waste Management – Local Government Assistance.....	11
SB 423 (Simitian) Hazardous Waste – Mercury Relays and Switches – Exemption.....	6
SB 455 (Escutia) Pest Control – Violations.....	16, 18
SB 563 (Alarcón) California Certified Green Business Program	15
SB 743 (Chesbro) Solid Waste Collection – Households	10
SB 772 (Ducheny) Environment – Border Region – Waste and Used Tires	16
SB 828 (Maldonado) Public Contracts.....	14
SB 838 (Escutia) Environmental Cleanup and Pollution Control Technology Registry	1
SB 926 (Florez) Sewage Sludge Management.....	10
SB 928 (Perata) Public Resources – Solid Waste	12
SB 942 (Chesbro) Cigarettes – Pollution – Litter	9
SB 975 (Ashburn) Air Quality – Biodiesel Fuel	3
SB 1058 (Campbell) Recycling Residue.....	10
SB 1076 (Perata) Solid Waste	13
SB 1106 (Committee on Environmental Quality) Public Contracts – Procurement – Recycled Goods – Solid Waste	14